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8 KEYBANK, N.A.

9  
10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 JEFFREY A. NEEDELMAN,

13 Plaintiff,

14 vs.

15 PENNSYLVANIA HIGHER EDUCATION  
16 ASSISTANCE AUTHORITY dba  
17 AMERICAN EDUCATION SERVICES,  
KEYBANK, N.A.; AND EDUCATION  
CREDIT MANAGEMENT SERVICES,

18 Defendants.

) Case No.: 08 CV 00442 L RBB

) Hon. M. James Lorenz

) **DEFENDANT KEYBANK, N.A.'s**  
) **REQUEST FOR JUDICIAL NOTICE**

) [Notice of Motion and Motion to  
) Dismiss; Memorandum of Points and  
) Authorities in Support filed concurrently  
) herewith]

) Date: June 30, 2008

) Time: 10:30 a.m.

) Place: Courtroom 14

19  
20  
21 Pursuant to Federal Rule of Evidence 201, Defendant KeyBank, N.A. ("KEYBANK")  
22 requests that the Court take judicial notice of the following:

- 23 1. The Voluntary Petition for Chapter 13 Bankruptcy filed by Plaintiff Jeffrey A.  
24 Needelman ("Plaintiff") in the United States District Court for the Southern  
25 District of California, Case Number 01-12461-H13, on December 6, 2001 (a  
26 true and correct copy of which is appended hereto as **Exhibit 1**);  
27  
28 2. The Chapter 13 Plan filed by Plaintiff in the United States District Court for

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1 the Southern District of California, Case Number 01-12461-H13, on  
2 December 6, 2001(a true and correct copy of which is appended hereto as  
3 **Exhibit 2**);

- 4 3. The Order and Notice for Meeting of Creditors To Be Held on January 17,  
5 2002 at 3:00p.m. filed in the United States District Court for the Southern  
6 District of California, Case Number 01-12461-H13, on or about December 12,  
7 2001(a true and correct copy of which is appended hereto as **Exhibit 3**);  
8  
9 4. The Order Confirming Debtor(s) Plan and Allowing Attorneys Fees filed in  
10 the United States District Court for the Southern District of California, Case  
11 Number 01-12461-H13, on or about January 24, 2002(a true and correct copy  
12 of which is appended hereto as **Exhibit 4**);  
13  
14 5. The Discharge of Debtor Order filed in the United States District Court for the  
15 Southern District of California, Case Number 01-12461-H13, on or about May  
16 29, 2007 (a true and correct copy of which is appended hereto as **Exhibit 5**);  
17  
18 6. Plaintiff's Complaint For: 1. Declaratory Relief; And 2. Reimbursement, filed  
19 in the United States District Court for the Southern District of California, Case  
20 Number 08 CV U442 L RBB, on or about March 10, 2008 (a true and correct  
21 copy of which is appended hereto as **Exhibit 6**).

22 Dated: May 19, 2008

COX, WOOTTON, GRIFFIN,  
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Attorneys for Defendant  
KEYBANK, N.A.

23  
24  
25 By: \_\_\_\_\_s/Rupert P. Hansen  
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